

2661

Docket No. 031280-009



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Patrick Payne
SERIAL NO.: 10/511,456 CONFIRMATION No.: 9929
FILING DATE: October 15, 2004
TITLE: METHOD AND SYSTEM OF OVER-THE-AIR ACTIVATION
AND MODIFICATION OF A MOBILE PHONE
EXAMINER: (to be assigned)
ART UNIT: 2661

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on the date printed below:

Date: 5/12/05

Name: Sharon E. Byam
Sharon E. Byam

Mail Stop: Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Each item of information listed in the attached FORM PTO-1449, for which a copy of each is
attached (unless the blanket waiver referred to below applies), may be material to the
examination of the above-identified application and is, therefore, submitted in compliance with
the duty of disclosure defined in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to
review, consider and document each such item in the official record of this application.

Note: If this box ☒ is checked, this case was filed after June 30, 2003 and qualifies for the
blanket waiver of deposit of copies of U.S. Patents and U.S. Patent Application Publications in

accordance with the written waiver of 37 CFR §1.98 (a)(2)(i) dated July 11, 2003. Accordingly, such copies are not attached.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

I

This statement is filed pursuant to:



37 C.F.R. § 1.97(b).

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- (3) before the mailing date of a first office action on the merits; **or**
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, **whichever event occurs last.**

Accordingly, this information disclosure statement requires no fee and no certification.



37 C.F.R. § 1.97(c).

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97(b), but **before** the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; **or**
- (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either:

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); **or**
- (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).



37 C.F.R. § 1.97(d).

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires:

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); **and**
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. **To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.**

II

Fees Due:

- ☒ No fee is due.
- ☐ The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (\$180).

III

Certification:

- ☒ No certification is necessary.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies:
That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies:
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

IV

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.

Respectfully submitted,
THELEN REID & PRIEST LLP



Marc S. Hanish
Reg. No. 42,626

Dated: 5/12/05

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